

SANCTUARY ADVISORY COUNCIL

Meeting Minutes #58

Monday, July 19, 2010

9:30 a.m. - 4:45 p.m.

6600 Kalanianaʻole Hwy suite 3

Call to Order

Pohai Kirkland opened the meeting with a pule. Adam Pack went over the schedule of events for the day. He emphasized the introduction of two youth seats on the Sanctuary Advisory Council. Teri Leicher took attendance.

Attendance

Council Members Present:

Athline M. Clark, Philip Fernandez, Jim Coon, Terry O'Halloran, Lou Herman, David Hoffman, Rebecca Hommon, Luana (Nan) Howell, Trisha Kehaulani Watson, Kelly Finn, Liz Kumabe, Teri Leicher, Allen Tom, Marnie Meyer, Jerry B. Norris, Adam Pack, Take Tomson, Eric Roberts, Mike Stanton, Robin Newbold, David Nichols, Sharon Pomroy, James Yamamoto, Jennifer Schultz, Jennifer Barrett, Judy Lemus, Cheryl Sterling, Gina McGuire, and Kea Kaufman

Others in attendance:

Pacific Islands Region: Allen Tom and Hans Van Tilburg

HIHWNMS: Malia Chow, Paul Wong, Jean Souza, Patty Miller, Justin Viezbicke, Fiona Langenberger, Claire Cavanaugh, Joey Lecky, and Joe Paulin

Office of National Marine Sanctuaries: Ed Lindelof and Helene Scalliet

State of Hawai'i: David Nichols and Earl Miyamoto

Adam Pack announced that there would be two public comment periods during the meeting, during which anyone from public may make comments. Adam Pack noted a change of agenda, which involved moving the discussion of Hawaiian Culture and Marine Mammals Meeting on Maui at an earlier point in the meeting.

Approval of Meeting Minutes #57

Adam Pack suggested grammatical changes to be made to Meeting Minutes #57. He noted that the grammatical changes were not substantive. There were no other comments or edits concerning Meeting Minutes #57. Jim Coon moved to approve Meeting Minutes #57. Liz Kumabe seconded the motion.

Public Forum

There were no public comments.

Introductions

Allen Tom recognized all of the SAC members that were completing their term as well as new advisory council members that joined the SAC.

Introductions of Attendees:

Dave Hoffman introduced himself as the Citizen-At-Large seat and as someone who has served in numerous positions in business and commercial fishing. He began in the late 90s as an attorney for an oil company whose operations were affected by the designation of sanctuary. Over time, his perspective changed and is now concerned more about humpback whales than business interests.

Terry O'Halloran, Honolulu County seat, introduced himself as someone who loves the ocean and someone who has spent his whole professional career involved in the ocean. He has served on several committees and is glad to continue contributing to sanctuary.

Marnie Meyer introduced herself as a Planning and Policy Analyst with the State of Hawai'i Office of Planning, Coastal Zone Management Program.

Lou Herman introduced himself as the Conservation Chair and as a researcher who began working with whales in 1975 when few people in Hawai'i were aware of the whales.

Robin Newbold, Maui County Seat introduced herself as the previous Conservation Alternate for Lou Herman and as a marine biologist doing coral reef research with the Pacific Whale Foundation.

Athline Clark introduced herself as a former co-manager of the Papahānaumokuākea Marine National Monument, now with the Army Corps of Engineers.

Eric Roberts introduced himself as a manager of marine mammal species and marine mammal response network with the US Coast Guard.

Take Tomson introduced himself as an agent with NOAA Fisheries Office of Law Enforcement.

Kelly Finn introduced herself as the representative for the Western Pacific Regional Fishery Management Council (WESPAC).

David Nichols introduced himself as the acting sanctuary co-manager and the previous operations coordinator since 2003. He noted that he recently accepted a new position with NOAA National Marine Fisheries Service.

Ed Lindelof introduced himself as a NOAA employee in the DC Office of National Marine Sanctuaries and as a coordinator for Management Plan Review.

Jean Sousa introduced herself as the Kaua'i Programs Coordinator.

Pohai Kirkland introduced herself as the former Native Hawaiian seat.

James Yamamoto introduced himself as the alternate for the Kaua'i County Seat.

Malia Chow introduced herself as the Project and Policy Advisor for the sanctuary during its Management Plan Review (MPR) process.

Jennifer Shultz introduced herself as the alternate for the Research Seat and as a monk seal researcher at University of Hawai'i.

Jennifer Barrett introduced herself as the alternate for Honolulu County and as an Extension Agent with the University of Hawai'i Sea Grant College Program.

Justin Viezbicke introduced himself as the Hawai'i Island Programs Coordinator.

Fiona Langenberger introduced herself as the Volunteer Programs Assistant.

Patty Miller introduced herself as the Maui Programs Coordinator.

Joey Lecky introduced himself as a GIS specialist for the sanctuary and the Papahānaumokuākea National Marine Monument.

Judy Lemus introduced herself as the alternate for the Education Seat and as an Education Specialist at the Hawai'i Institute of Marine Biology.

Paul Wong introduced himself as the Operations Coordinator for the sanctuary.

Cheryl Sterling introduced herself as the alternate for Maui County.

Earl Miyamoto introduced himself as a representative for the State in an effort to educate fisherman how to reduce interactions with monk seals.

Allen Tom introduced himself as the acting superintendent for the sanctuary and Pacific Islands Regional Director.

Adam Pack introduced himself as the Research Chair and as the Acting Chair of the Council.

Joseph Paulin introduced himself as the Advisory Council Coordinator.

Teri Leicher introduced herself as the Ocean Recreation Seat from Kona.

Jim Coon introduced himself as the Business/Commerce Seat of the SAC.

Liz Kumabe introduced herself as the Education Seat and as an Education Specialist with the University of Hawai'i Sea Grant Program.

Trisha Kehaulani Watson introduced herself as the Native Hawaiian Seat, a member of the Native Hawaiian Advisory Council for the Papahānaumokuākea National Marine Monument, and an advocate for Native Hawaiian Rights in the sanctuary.

Mike Stanton introduced himself as the Tourism Representative and the Chair of Aquaculture working group.

La'akea Kauffman introduced herself as the alternative for the Youth Seat.

Gina McGuire introduced herself as the new Youth Representative and as a student at Kamehameha High School.

Luana (Nan) Howell introduced herself as the Hawai'i County Seat and as a Volunteer Coordinator.

Sharon Pomroy introduced herself as a Native Hawaiian with a long family history in Hawai'i. She is the Kaua'i County Representative.

Philip Fernandez introduced himself as the representative of fishing.

Jerry Norris introduced himself as a SAC member from the Office of Hawaiian Affairs.

Andrea Leshak introduced herself as a student attending Penn State University and a NOAA Hollings Scholar interning with the HIHWNMS.

Charlotte Schou introduced herself as a student attending George Washington University and a NOAA Hollings Scholar interning with the HIHWNMS.

Claire Kavanaugh introduced herself as the O'ahu Programs Intern with AmeriCorps.

Adam Pack introduced Trisha Kehaulani Watson. She gave a report on the Hawaiian Culture and Marine Mammals Meeting on Maui that was scheduled for later in the afternoon during the New Business session. It was presented early since Trisha had to leave early for a prior engagement.

Hawaiian Culture and Marine Mammal Meeting on Maui:

Trisha Kehaulani Watson submitted a written report. She reported on the Maui County meeting about marine mammal strandings during the previous week. She reported it was a very emotional meeting. She brought up her sentiments towards the common perspectives of the “Hawaiian voice” on many sitting councils that it seems to be more of a mute than an active voice. She shared that a Native Hawaiian voice is not like any other voice on a council. Native Hawaiians have more than 100 years of conservation knowledge that can potentially influence management practices. Allen Tom interjected with his opinion of the Maui County meeting and reported he wants to continue the communities’ involvement with the sanctuary. Trisha brought up the potential of creating a Native Hawaiian SAC working group as the sanctuary continues its management plan review process. Sharon Pomroy (Kaua‘i County) shared her personal stories regarding Native Hawaiian cultural heritage and her opinions of the Papahānaumokuākea Marine National Monument and how its designation took away fishing rights from local Native Hawaiian fisherman fishing for sustenance. Trisha reported on the resolution of the Maui County meeting which concluded in the possible creation of a Native Hawaiian working group.. Teri Leicher commented that this group understands the significance and importance of the Native Hawaiian seat on the council.

Trisha Kehaulani Watson departed the SAC meeting.

10 minute break

Introduction

Becky Hommon - The SAC’s US Navy representative and environmental lawyer.

Reports

Acting Chair’s Report:

Adam Pack submitted a written report. He gave an update about the Capp’s Bill. It has yet to be introduced to the US Congress. He presented the letter from Daniel Basta about the SAC summit meeting in Washington (state) of which Allen Tom will make copies of and distribute to the members of this SAC in the near future. The letter also states Daniel Basta’s support for a total of four SAC meetings within the next fiscal year; a huge increase from previous years. The letter also describes Basta’s opinion on the importance of face-to-face meetings with SAC members within the different National Marine Sanctuaries.

Acting Sanctuary Superintendent:

Allen Tom submitted a written report. He preferences his summary describing it as a hybrid report of the sanctuary and the Pacific region. He briefly reported on the public information meetings that took place in May. He stated that the advertisement for the superintendent position will be released by headquarters this August. He went on to inform the council members there is a NOAA exhibit in the Honolulu City Hall building and suggested they visit if their schedules permitted it. He extended invitations to the

touch-tank exhibit at the Waikiki Aquarium this Saturday (7/24) to SAC members. He reported on the future American Samoa educational meeting where Pacific Islands Region sanctuaries' educators will present and give teacher workshops. Patty Miller (Maui Island Coordinator) offered to provide the SAC members with the educational plans to be presented at the meeting in American Samoa. Allen continued with information regarding the Blue Oceans Film Festival to be held next summer (July 2011) and mentioned the sanctuary is looking for sponsorship for the festival. He continued with the possibility to include a new seat on the SAC for a NOAA Pacific Service Center representative. He briefly described the Center as one of the newest NOAA line offices and specifically focuses on GIS training. A representative from the Center already sits on the SAC of the Fagatele Bay National Marine Sanctuary. Finally, Allen concluded with a short summary on internship programs within NOAA through partnerships with local universities.

Acting Sanctuary Co-Manager:

David Nichols submitted a written report. He specifically reported on marine mammal response individuals that currently sit on this SAC, example Justin Viezbicke (Hawai'i Island Coordinator). He reported a reduction in the numbers of False Killer whales stating that they are threatened by long-lines, and hooks from long-line fisheries. He reported that he will be leaving his current position for a position with NOAA Fisheries starting in August and efforts have begun to find his replacement.

Hawai'i County Report:

Luana (Nan) Howell submitted a written report. She reported that the Marine Response Team operating out of UH Hilo campus was given their first opportunity to rescue a stranded dolphin. She reported on the CORAL outreach program, which encompasses boat tour operators' outreach/education and voluntary standards instituted by the community-at-large. Her example was closed areas during certain times of the day as to not disturb areas used by spinner dolphins. A reported accomplishment of the program is boat/tour operators are giving out the same and correct information to their audiences on each boat tour. Gina McGuire, Teri Leicher, and Justin Vizbicke followed with comments about distribution of educational resources of the sanctuary (literature - pamphlets and books) and that it is important for these articles to be distributed to schools.

Honolulu County Report:

Terry O'Halloran did not submit a written report.

Kaua'i County Report:

James Yamamoto submitted a written report. The new serving representative for Kaua'i County is Sharon Pomroy.

Maui County Report:

Robin Newbold did not submit a report since she had just assumed the position from Cheryl Sterling. She will have her report submitted to the SAC at the next meeting. She

reported Maui County continues to be involved rescue efforts for marine mammal strandings.

Education Committee:

Liz Kumabe did not submit a report. She reported on idea behind the new Youth Member seat to the SAC. The idea is to include the voice of young student (high school age) in the SAC. Adam Pack asks a question regarding the mechanism in the distribution of educational information to the general public. Liz responds with the idea of Podcasts like other national marine sanctuaries have developed. Gina McGuire lists her ideas: 1) A partnership with Hawaiian airlines to publish an article in their cabin magazine educating visitors about the ocean and its resources. 2) A coloring book for younger children to be used in elementary schools. 3) A student-teacher website offering downloadable documents to get teachers to use NOAA documents and publications in their classrooms. La'akea Kauffman added a comment about supporting radio announcements regarding sanctuary information as a way to get information out to the public.

Blue Seas and Green Communities Working Group:

Teri Leicher submitted a report. She suggested the possibility of using the film shown to visitors of the Papahānaumokuākea Marine National Monument for other educational purposes. Allen Tom will follow up with the distributors of the film to see if the sanctuary can obtain usage rights and if the film is allowed to be publicly viewed. Athline Clark (US ACOE) contributed that the film was made in consultation with Native Hawaiians and the sanctuary should also ask for their permission to use the film for different purposes than what it is currently meant for. Patty Miller suggested another film be used as a substitute to serve the same purpose.

Conservation Committee:

Lou Herman submitted his report. He reported that the International Whaling Commission turned down the Japanese proposal to resume international whaling. He reported on the scoping meetings for the marine mammal stock assessment reports that the MMPA will require each of its fisheries to create reporting incidental mortalities associated with each fishery.

Research Committee:

Adam Pack submitted a report. He reported on the research permit NOAA received the week prior. He also commented on a research resource, which are archived documents regarding historical information regarding the Pacific population of humpback whales.

Aquaculture Working Group Report:

Mike Stanton did not write a report. He reported that there is currently no national aquaculture policy in place. Questions and opinions followed. The first coming from Dave Hoffman inquiring what is the status of Kona Blue moving a branch to Mexico. The response was that Kona Blue has received all permits to start harvesting in Mexico and will begin soon. Teri Leicher inquired if Kona Blue will expand on the island of Hawai'i due to new ownership. The response came from Justin Vizbicke and Kona Blue will not expand as of now. Instead they will continue to harvest only on the surface and will not

harvest “too deep.” Philip Fernandez suggested we research Canadian efforts on research regarding underwater pens and whale interaction with these pens.

Break for 35 minutes for lunch 1:00-1:35pm

Presentations

Adam Pack introduced a series of presentations by sanctuary staff on MPR issues.

Management Plan Review and State of the Sanctuary – Malia Chow

Malia Chow gave a presentation on the Management Plan Review process and the State of the Sanctuary Report. She covered background information on the MPR process, where the sanctuary is in the process, and what the sanctuary will be doing in the future. Malia Chow introduced the draft version of the summer 2010 MPR Special Edition Koholā Connection – State of the Sanctuary Report. The Koholā Connection includes a draft vision of the future of the sanctuary, and a description of how to get involved in the MPR process. Malia Chow also covered MPR guiding principles and emphasized an open and transparent process, the input of all voices, the incorporation of Native Hawaiian perspectives, a balance among different interests, and an active community involvement.

Malia Chow explained that the State of the Sanctuary Report is a document published by every sanctuary within the Office of National Marine Sanctuaries and that the sanctuary supports multiple issues in the Main Hawaiian Islands. Within the Hawaiian Islands Humpback Whale National Marine Sanctuary State of the Sanctuary Report, the sanctuary’s top ten accomplishments since its establishment were emphasized.

Malia Chow continued her presentation by detailing a timeline of the sanctuary’s history. The first nomination for a humpback whale sanctuary was made in 1977.

Lou Herman commented that the story behind this nomination involved a videographer named Jim Huddle who was interested in protecting humpback whales in order to continue videotaping humpback whales.

Malia Chow continued with the timeline by noting the 1991 Kaho’olawe Island feasibility study, the 1992 sanctuary designation, and the 1997 Final Environmental Impact Statement.

Jim Coon commented that in 1997, there was not yet an official sanctuary advisory council for the sanctuary but that there was a group functioning as one. Jim Coon also mentioned that a reason why the sanctuary was not designated earlier was that certain people felt that it was necessary for the sanctuary to encompass all of the state waters.

Malia Chow continued by explaining the 2002 management plan was revised with public input and comment, was approved by Governor Linda Lingle, and has since become the guiding document for the sanctuary.

Athline Clark made note of the Governor's approval of sanctuary in state waters upon designation in 1992.

Malia Chow mentioned the 2007 report to the Governor – *Assessment of additional resources for possible inclusion in the Hawaiian Islands Humpback Whale National Marine Sanctuary*.

Athline Clark made note of the fact that Kaho'olawe was supposed to be examined to be included in sanctuary.

Becky Hommon explained that the waters surrounding Kaho'olawe were not appropriate for designation at the time due to the presence of unexploded weapons.

Malia Chow continued her presentation by describing biological resources and cultural and maritime heritage within the sanctuary. She mentioned coral reef protection and referenced a clause in the 1992 Hawaiian Islands National Marine Sanctuary Act that requires the sanctuary to consider Native Hawaiian practices. Additionally there is language to consider adding protections for additional marine resources at some point in the future.

Athline Clark suggested changing the wording of the State of Sanctuary Report to read "protecting maritime heritage" and "engaging in cultural dialogue" rather than "protecting cultural and maritime heritage" since that suggests a static approach.

Pohai Kirkland commented that she liked the original language.

Malia Chow continued with the State of the Sanctuary Report by explaining emerging topics and the draft vision of the sanctuary to expand its scope and to possibly protect more species.

Lou Herman questioned whether there had been any consideration for adding historic fishponds.

Allen Tom responded by suggesting that protecting historic fishponds is a possibility.

Robin Newbold asked if the sanctuary has considered protecting wetlands.

Allen Tom responded by saying it could be within the scope of the sanctuary since other sanctuaries in the Office of National Marine Sanctuaries have protected wetlands.

Becky Hommon commented that the presentation was ignoring the earlier legislation of the sanctuary, which created the sanctuary and outlined its purposes as education and

research. Becky Hommon also made note of the sanctuary's original purpose to facilitate uses of the sanctuary including whale-watching, fishing, and DOD. She stated that the State of the Sanctuary Report is not what the sanctuary is about.

Allen Tom responded by saying that the report is a "next-step" document, not an "end-all". Allen explained that this document is meant to explain to the general public about the general idea of what might happen.

Teri Leicher commented that the document is an expansion on the current vision.

Ed Lindelof commented that the document does not negate education, outreach, or facilitating since these programs are ways to protect species.

Sharon Pomroy questioned if the only resource currently protected is humpback whales and their habitat and why the sanctuary would want to include additional species if they are already protected by different statutes.

Malia Chow responded by saying the sanctuary has heard that question before, especially why there would be duplicate protection. Malia Chow pointed out that there may be gaps in protection that the sanctuary could cover.

Allen Tom commented that the same objection came up with humpback whales when people questioned why humpback whales should be protected by a sanctuary when the species is already protected by the Endangered Species Act.

Sharon Pomroy commented that a group of Native Hawaiians are negotiating with the federal government to take 400 turtles per year to be divided between the islands. The turtles would be to share between Native Hawaiians. Sharon commented that there is no problem with taking turtles, since turtles have long since recovered. She commented that she and other Native Hawaiians used to eat turtles often but have not eaten them in many years. She stated that Native Hawaiians may never be permitted to eat turtles again.

Malia Chow stated that there have been no conclusions yet.

Sharon Pomroy mentioned the importance of Native Hawaiian heritage and that Native Hawaiians conserved turtles long before anyone else conserved turtles. She commented that the federal government is reluctant to allow the take of 400 turtles because of what has happened to other populations of turtles in Mexico and elsewhere. Sharon said she was unsure that turtles needed additional coverage.

Malia Chow responded by saying that this issue would be worked out in close coordination with other parts of NOAA.

Philip Fernandez questioned if the State of the Sanctuary Report has been designed from pre-scoping public input.

Malia Chow answered yes and also referenced the 2007 Governor's Report which was an assessment of additional marine resources for possible inclusion in the Hawaiian Islands Humpback Whale National Marine Sanctuary.

Joe Paulin referenced the language in the original designation of the sanctuary.

Gina McGuire asked if the State of the Sanctuary Report includes public input.

Malia Chow answered by saying that the sanctuary has received lots of comments, so some of them are incorporated in the State of the Sanctuary Report.

Robin Newbold commented that although some species are already protected, the sanctuary could protect habitat, coastal waters, etc that are important to turtles, dolphins, and seals. She emphasized the importance of protecting habitat and made note of the problem with polluting water and reefs along Maui due to the use of injection wells.

Adam Pack commented that there are NOAA laws covering humpback whales. The protection of humpback whales is mainly done through education and the rescue of entangled whales. Adding more species would not add more rules and regulations, but it's like the sanctuary would operate within the existent laws.

Jim Coon commented that there are levels of penalty and that the sanctuary can penalize people though fine increases.

Becky Hommon explained that the National Marine Sanctuary Act requires the review of activities. For example, water requires a periodic review.

Malia Chow mentioned enforcement issues.

Terry O'Halloran commented on the existing protection through education and research and asked how does regulatory action fit with current action.

Malia Chow continued her presentation by explaining some questions to be posed for public comment and the next steps of the sanctuary MPR process.

Athline Clark made note that it is important to realize that the list of resources is not a list of things that are necessarily appropriate or within the authority of the sanctuary. She stated that a scoping report will include a list of lots of issues, but the sanctuary will have to consider what other organizations could utilize the report. The report may be useful for a couple of perspectives, not only useful for sanctuary. An example is *Ocean Resources Management Plan* implementation.

Ed Lindelof made note that the State of the Sanctuary Report will be available in the next few days. Several other documents including the Condition Report will also be made available soon.

Terry O'Halloran asked if there will be an outreach to advertise that the documents are available to the public.

Malia Chow answered that there are several ways to advertise the documents.

Joseph Paulin mentioned that there will be press releases to advertise the State of the Sanctuary report at the end of the week and the Condition Report in August 2010.

Ed Lindelof added that, at some point, when documents out, there will be a special announcement and press release.

Philip Fernandez disagreed with the effectiveness of a press release because he felt that with an announcement of the availability of three documents on a website, no one will look at the documents. He said the Condition Report is too massive and suggested separate summaries for fishermen, concerns about turtles, and other issues.

Ed Lindelof agreed that the Condition Report is very specific and very dense, but the Koholā Connection was designed to be readable.

Philip Fernandez emphasized that no one reads huge documents and that links to specific issues would be more effective.

Sharon Pomroy suggested the use of a TV station where the sanctuary could run a two or three minute update.

Gina McGuire mentioned that not everyone in Hawai'i has an internet connection, so the newspaper and TV would be good alternatives.

Malia Chow mentioned that the sanctuary will be utilizing the newspaper and a radio station.

Sharon Pomroy pointed out that the general public has no idea what constitutes a "pre-scoping visionary".

Malia Chow continued with her presentation by suggesting that members could think about how the SAC will come up with strategies, additional committees, and working groups with other members of public. In the future, there could be mini workshops with technical experts, which will develop into the beginnings of Action Plan Development.

Athline Clark made note that it's important to talk about the scoping process and linkages with other planning efforts such as the State of Hawai'i.

Terry O'Hallaron thanked Malia Chow for incorporating the guiding principles, which embodied changes from the SAC working group.

Condition Report – Joseph Paulin

Joseph Paulin presented on the 2010 Condition Report. He briefly talked about Condition Report, which is available on the ONMS website. He printed and handed the Condition Report summary table. The report is required for every sanctuary at beginning of management plan review. In the summary table, a set of questions were addressed. He explained how to interpret this report, since the report focuses solely on the sanctuary's current responsibility of the humpback whale and their habitat.

Joseph Paulin continued his presentation by explaining the water quality rankings of the Condition Report. He explained that while the ranking/status and trends suggest that the water quality is good, the ranking does not comment on the overall quality of water in sanctuary. The ranking is specific to humpback whales and the potential implications to humpback whales.

Joseph Paulin continued with a summary of findings. Overall, the sanctuary was ranked as good to good/fair in relation to humpback whales.

Sharon Pomroy commented that most of the Condition Report's descriptions of findings regarding water quality suggest that the contaminants don't have an effect on humpback whales. However, she stated that this is where the question arises. She stated that according to the Condition Report, it is OK for polluted water to come down into the ocean because it's diluted. She commented, however, that everything is connected and that to understand the relationship of what one is looking at, one must observe.

Joseph Paulin responded by saying that Sharon Pomroy's comment was an important point and that the sanctuary has been hearing similar comments throughout the state. He stated that water quality is a priority community issue.

Joseph Paulin summarized his report by reiterating that the Condition Report is specific to humpback whales and their habitat, that the results may be confusing, and that the sanctuary will inform the SAC when the web-based version is available. Contact Joseph Paulin for questions.

Robin Newbold asked Sharon Pomroy if she was suggesting that the sanctuary expand its boundaries to top of mountain.

Sharon Pomroy responded that it is impossible to protect the shoreline if the mountain is not protected. She suggested that the sanctuary needs to cooperate with and contact other people in order to increase protection.

Joseph Paulin agreed that the sanctuary needs to determine where the sanctuary will take a leading role, a supporting role, or a facilitating role in the future.

Ed Lindelof agreed with Joseph Paulin and mentioned the Monterey Bay National Marine Sanctuary because of their extensive water quality program that deals with more issues.

With the Monterey Bay NMS, the sanctuary works with the state of California and agriculture interests in order to correct runoff and other problems. He suggested that Hawai'i could cooperate if people thought it would be appropriate and possible. This would include looking at impact beyond the very narrow area the sanctuary can legally do.

Sharon Pomroy commented that the shoreline is included in the sanctuary and asked what needs to be fixed. She mentioned the north shore of Kaua'i where fertilizer from golf courses has killed acres of reef. She stated that if runoff comes into sanctuary waters, then the sanctuary can do something about it.

Philip Fernandez commented that if the Condition Report is the summarized version, then there is a problem because people won't understand the vocabulary, such as eutrophic.

Joseph Paulin responded by stating that the Condition Report is a technical report specific to humpback whales whereas the State of the Sanctuary Report is a more user-friendly document that summarizes information about the sanctuary, programs, and the MPR process.

Philip Fernandez commented that the documents presented so far seem to be geared toward a certain part of the population.

Joseph Paulin responded that the sanctuary is attempting to engage multiple audiences including researchers and the public and that the sanctuary will use multiple materials to achieve that goal.

Philip Fernandez suggested using the information from pre-scoping meetings to drive the information specific to different interests, such as Native Hawaiian, fishermen, and conservationists. He suggested using market segments to address people's concerns so that the outreach process makes the documents more user-friendly.

Joseph Paulin agreed and commented that the SAC could help to distribute information to different constituencies.

Philip Fernandez suggested using a list of constituencies from the pre-scoping meeting.

Liz Kumabe commented that what needs to be done is to point out weaknesses while also making a suggestion as to how would you would reach out or what you would suggest. Example suggestions included using video podcasts or sound bites and using the advisory group to make suggestions.

Gina McGuire suggested that a person from each county represent an interest so that everyone could provide input.

Sharon Pomroy commented that Gina McGuire's suggestion will take place during the scoping meetings.

Lou Herman provided a suggestion to Patty Miller to make a series of short youtube videos for different issues, including fishing and Native Hawaiian issues.

Island Coordinators – MPR-Related Issues

Maui Programs Coordinator Presentation – Patty Miller

Patty Miller, the Maui Programs Coordinator, gave a presentation of MPR-related issues that have taken place and will take place on Maui.

Patty Miller began her presentation by describing the location of the Maui office, including brief explanations of the “blue house on the beach”, the fishpond attached to front of property, and the building used for classrooms and nonprofits with similar missions. She discussed the staff employed by the sanctuary including general staff, volunteers, support staff, and NOAA corps members.

In continuation of her presentation, Patty Miller discussed the island programs that occur on Maui, which include research and rescue programs, health assessments, disentanglement efforts; enforcement programs like the Office of Law Enforcement and the Department of Land and Natural Resource; and outreach and education programs, like classroom activities, monitoring and analyzing data, education cruises every year for 5 years. Additional programs offered by the Maui office include Hawaiian cultural education through the fishpond association where children can help rebuild the wall; naturalist trainings by Ocean Protection and Cultural Awareness; and Ocean Awareness Training.

Allen Tom made note of a new sanctuary facility being planned in Lahaina, which will include updated exhibits for the entire area.

Patty Miller continued explained programs from the Maui office, including a reef lecture for public outreach; a science café with Whole Foods, which incorporates speakers on various environmental topics; information tables in whaler’s village; volunteer outreach on water to notify boats about safe speeds; and coast guard training.

For Resource Protection programs, Patty Miller made note of reef monitoring and fish counts, as well as the turtle stranding program. Three main ideas expressed by the public on Maui to the sanctuary include water quality and the implementation of no dumping zones and ecosystem-based management; more regulations including speed limits and better enforcement; and engagement of cultural practices where cultural protocols would be established.

Hawai‘i Programs Coordinator Presentation – Justin Viezbicke

Justin Viezbicke, the Hawai‘i Programs Coordinator, gave a presentation of MPR-related issues that have taken place and will take place on the Big Island.

Justin Viezbicke began his presentation by describing the outreach and education activities that take place on the Big Island, including Ocean Count, organized whale watches, outreach activities, school visits, signs and kiosks, and volunteer programs. Resource protection programs on the Big Island include ocean etiquette, boater outreach, large whale response and rescue, and seal and turtle response.

Justin Viezbicke noted that there are big gaps in research throughout the main Hawaiian Islands, so research and enforcement are particularly important as well. Some of the research and enforcement activities on the Big Island include island research groups, such as assisting with spinner dolphin protection and documentation and reports of violations.

Some of the issues addressed by the public during the pre-scoping meetings included support for more regulations, concern that the sanctuary is not doing enough, confusion over why the sanctuary only protects one species, concern over a lack of engagement with Hawaiian culture, and concern over aquarium collections that are unsustainable.

Kaua`i Island Coordinator Presentation – Jean Souza

Jean Souza gave a presentation about the activities of the Kaua`i office of the sanctuary. She focused on resource protection, education, volunteer programs, and issues in Kaua`i regarding ocean resource protection. When discussing resource protection, she referenced programs such as the disentanglement program, marine mammal emergency response, and further Humpback whale research. When discussing education she mentioned the development of tailored programs suited to teachers' needs in the classroom. She also discussed non-formal education experiences such as field work, student whale watches, internships offered in the Kaua`i office, and she is hopeful that a NOAA training ship will come to Kaua`i so local students can participate in more active learning aboard the ship for a day. When discussing issues on Kaua`i the public have brought to the sanctuary's attention she said there were not many site-specific to Kaua`i, however a growing concern on the island is the declining health of the reefs in the ocean. Suggestions proposed by the public in the public information meetings last May to the Sanctuary was to expand Sanctuary boundaries, include other species into the Sanctuary, increase staff and programs, or on the other side of the idea spectrum to disband the Sanctuary completely.

O`ahu Island Presentation – Paul Wong

Paul Wong gave a presentation of the summary of activities happening in the O`ahu office. For outreach and education the O`ahu office has participated in the annual Ocean Count, Ocean Awareness Training, Ocean Etiquette and boater workshops while conducting school visits, and setting up signs and kiosks in local venues. Issues that have been brought to the attention of Sanctuary staff in the O`ahu office is lack of enforcement, gillnets used by fisheries, and possible boundary expansion.

No questions for the island coordinators from the SAC or audience members.

Hollings Scholars – Additional Species & Water Quality

Additional Species

Andrea Leshak, a Hollings Scholar, presented her presentation, entitled “Protecting Multiple Species: The Process of Moving from a Single-Species to a Multiple-Species Sanctuary in Hawai‘i.”

Andrea Leshak began her presentation with an overview of her educational background and a description of the Hollings Scholarship and her internship with the sanctuary. She summarized the relation of her project to the 2007 Governor’s Report on the Assessment of Additional Marine Resources for Possible Inclusion in the Hawaiian Islands Humpback Whale National Marine Sanctuary.

Andrea Leshak described the research that she has done in relation to humpback whales, Hawaiian spinner dolphins, green sea turtles, Hawaiian monk seals, corals, and false killer whales. She explained her future plans to continue her research on additional species in order to help the sanctuary during its MPR review process and to complete a senior thesis focused on the sanctuary.

Water Quality

Charlotte Schou gave a presentation about the comparison of management strategies to address water quality within the national marine sanctuaries system and theses strategies application to the MPR of the HIHWNMS. She used water quality management practices of Channel Islands National Marine Sanctuary (NMS), Stellwagen Bank NMS, and the Florida Keys NMS in her presentation. Mike Stanton questioned who funds the Water Quality Protection Program in the Florida Keys. The answer was an EPA grant given to the Florida International University to conduct research and write the annual reports.

Enforcement – Alexa Cole

Alexa Cole, of the NOAA Office of General Counsel, gave a presentation of her role in NOAA issues as a prosecutor. She noted that the sanctuary actually does have “teeth”, although not very many since she is the only enforcement attorney for the Pacific Islands Region. When she began working, there were 75 backlogged cases, which mostly dealt with humpback whale violations. Of the 75 cases, she declined many but prosecuted the others. The humpback whale cases involved either ship strikes or approach by vessel, kayak, paddleboard, and swimmers.

With each case, Alexa Cole explained that she would put each one into perspective depending on the circumstances. All of her cases thus far has been won or settled. With the smaller cases that involved humans approaching whales (six cases in total that resulted in \$500-\$750 fines), the charged persons would not have admitted the violations except that they were forced to admit in their settlements. None of the charged persons felt their behavior was wrong. According to Alexa Cole, everyone who performed a

violation had said that they love the whales, that they've done training, that they love the ocean, that they are environmentalists. In relation to this, Alexa Cole said "we're not winning the hearts and minds in this war."

Jim Coon made a comment that when the original regulations made, there were only 1,000 humpback whales. Since there are now about 10,000 humpback whales, people cannot get from point A to point B without coming close to a humpback, which is an increasingly good/bad problem. Jim Coon continued by saying that he wished the intent to arrest had not been moved out of regulation and that's why Alexa Cole wins so many cases.

Alexa Cole responded that she had charged every case (16) that resulted in a civil penalty, but there are hundreds of violations out there do not get charged and only receive a verbal warning or a summary citation. She also noted that people have contacted her and asked what to do if they have a boat and don't want to violate the law. She stated that if a ship strikes a whale, the authority will consider the guidelines of sanctuary and whether the ship had been going at a slow safe speed, whether the whale was visible, and whether the person on the ship ascertained whether the whale was hurt. The charge of each case depends on circumstances. She noted that she had charged only one ship strike case, and the case resulted because the vessel had had the same violation the year before.

Alexa Cola continued her presentation by mentioning a kayak case on Maui, in which the kayak got really close and was ultimately charged \$700. While this type of fine is not a huge deterrent, it is a lot of money for a citizen. Also, Alexa Cole noted that if the person does not pay, the sanctuary does not have "hammer" at the end like other fisheries cases to force the person to pay the fine.

Ed Lindelof asked if Alexa Cole could explain what she thought were the pros and cons of the National Marine Sanctuaries Act.

Alexa Cole responded that she thought the Act is great, but the regulations in the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA) are not as good. With the ESA and the MMPA, the statutes do not want to criminalize approach violations for humpback whales out here. Alexa Cole said she thought specific regulations of the Sanctuary Act could change, but she felt it was better than the ESA and the MMPA, which both use subjective language.

Adam Pack commented that he was confused about whether if someone approached within 100 yards of humpback, they could be technically prosecuted under NOAA law.

Alexa Cole clarified that both the NMSA and the ESA had a 100 yard approach rule.

Adam Pack asked Alexa Cola if she preferred to charge the 100 yard approach violation under the National Marine Sanctuaries Act (NMSA).

Alexa Cole responded that the no approach regulation in the NMSA is very useful and objective.

Adam Pack mentioned that the penalties have increased under the NMSA, the ESA, and the MMPA.

Michael Stanton questioned how it was possible to prove approach with a paddle boarder.

Alexa Cole answered that “approach or cause to approach” depends on facts, so a vessel that just dropped someone off near a humpback whale may or may not be charged.

Teri Leicher commented that owners of boats can get fined, in addition to the captain and any swimmers.

Alexa Cole mentioned a case where multiple people were charged on Maui. Five operators of a whale-watching boat had participated in continuous activities that had violated the spirit and letter of law. Video documentation was reported by an undercover agent. While approaches may be inevitable, it depends on how the approach occurs, which is why some people are charged while others are not. Alexa Cole emphasized that whether violations will be charged depends on whether the violators make sure they did nothing additional that puts the humpback whales in danger.

Adam Pack asked if snorkelers are out, should they get back in the boat or stay out.

Alexa Cole responded that people should get out of scenario unless the humpback whale is in the way.

Allen Tom asked where the money from the charges goes.

Alexa Cole said that the money is supposed to go to the sanctuary, but she had filed the violations under the ESA.

Jim Coon asked if Alexa Cole could join the NOAA team to come out and inform the public. He said that her knowledge would be an excellent resource to help coach people who are trying to operate vessels safely.

Alexa Cole said she would be happy to come, depending on her schedule.

New Business

SAC Involvement in the public scoping process:

Adam Pack began by encouraging attendance at the individual scoping meetings throughout the state and Hawai`i in August. He emphasized the importance of the SAC members continuing to speak to the Sanctuary’s local constituents and maintain contact through meetings and email contact. Ed Lindehof added to Pack’s statement that it is very

important through the public scoping process to mobilize constituency groups to hear their feedback.

Hawaiian Culture and Marine Mammals Meeting on Maui:

Trisha Kehaulani Watson discussed this earlier in the day before the reports were given due to her early departure.

SAC Chair Election:

Joseph Paulin started this discussion saying the SAC can start making nominations for the SAC chair position. He went on to say that the persons who accept their nominations must submit a small biography to Joseph. Once all persons who have accepted their nominations submit a biography the SAC will vote to elect one of the candidates. If a SAC member wishes to nominate themselves or another SAC member they must let Joseph know by the end of this month (July). Terry O'Halloran nominated Adam Pack for the chair position. Luana (Nan) Howell seconded. Rebecca Hommon nominated Liz Kumabe for the SAC Chair position.

SAC Recruitment – Fall 2010:

Joseph Paulin listed the new seats that will be available or vacant in the fall of 2010.

These seats are:

- Business Commerce
- Citizen-at-Large
- Commercial Shipping
- Conservation
- Ocean Recreation
- Tourism
- Whale Watching
- Lana'i Representative – pending approval
- Moloka'i Representative – pending approval

FY 2011 Meetings Schedule:

Adam Pack proposed the next SAC meeting to be scheduled for Wednesday, November 17th. The reason being by then the scoping meetings will be complete and it will give the Sanctuary staff enough time to go through the comments received at these meetings and present them in a comprehensive way to the SAC.

Public Forum

No public comments were made.

Announcements

Adam Pack made a proposal for the current island representatives on the SAC to meet with their respective island coordinators in the near future to discuss and prioritize issues relating in the Sanctuary. Adam Pack thanked the Hollings Scholars for their presentations and asked for the materials resulting from their internships to be made

available to the SAC through the Sanctuary office. Adam Pack revisited the NOAA Pacific Service Center Coordinator seat and said after the letter of interest has been submitted to the SAC then the body will vote. Gina McGuire introduced the idea of a possible SAC youth working group. Rebecca Hommon suggested the SAC present Naomi McIntosh with a letter thanking her for her time with the Sanctuary. Jim Coon seconded. A handful of SAC members realized a conflict with the November 17th date for the next SAC meeting and Joseph Paulin responded saying he will investigate a December date that will work better for the group and will inform the SAC in the near future.

Review of Decisions and Actions Items from the Meeting

Adam Pack gave a recap of the nominations (himself and Liz Kumabe). Adam Pack reviewed the possibility of including the Pacific Services Center within the SAC and stated the SAC will vote on the issue once a letter of interest has been submitted. Adam Pack revisited the idea of both a youth working group and a Native Hawaiian working group within the SAC. He stated the SAC should work on creating a list of objectives and goals for both groups. In addition, he reemphasized that island representatives should each meet with their respective island coordinators.

Adjournment

Adam Pack adjourned the meeting at 4:47pm.